Court No. 2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

A.O. NO. 165 OF 2001

(Old No. 1272 of 1993**)**

Sri Meer Singh & others.

..... Claimant/Appellants.

Versus

The New India Assurance
Company Ltd. and others.

..... Respondents.

Sri Sanjeev Singh, learned counsel for the appellant Nos. 1 & 2.
Sri Tanveer Alam Khan, learned counsel for the respondent No.1.

Date: 2nd September, 2004.

Hon'ble P.C.Verma, J.
Hon'ble B.S.Verma, J.

The parties entered into compromise on 10.2.2004 with the terms that an amount of Rs. 65,000/- shall be paid by the New Assurance Company within a period of one month from the date of the order.

Subsequent to the aforesaid compromise, it was brought to the notice of the Court that appellant No.3 – Smt. Kuntlesh widow of Ramesh Kumar and appellant No.4 Master Deepak Kumar S/o late Ramesh Kumar were not made party to the compromise. Therefore, the order dated 10.2.2004 was recalled and notices were issued. Despite the notice none appeared. Then this Court directed for substituted service. Notices have been published in the news paper "Dainik Jagran" on 19.8.2004 as stated by the learned counsel for the parties.

The case is listed today but none appears on behalf of appellant Nos. 3 & 4. The service is deemed to be sufficient. The appeal is disposed of in terms of the aforesaid compromise subject to the condition that in case the appellant Nos. 3 & 4 Smt.Kuntlesh and master Deepak Kumar respectively turn up before the Motor Accident Claims Tribunal concerned, they shall be paid their share also. If they do not turn up, then the entire amount shall be released in favour of the appellant Nos. 1 & 2 Meer Singh and Smt. Kalawati.

(B.S. Verma, J.) **(P.C. Verma, J.)**

02.09.2004
P.Singh